

# Clearing and Grading

## Clearing and Grading Information Sheet

The proposed Critical Areas Ordinance amends the clearing and grading code which applies to new clearing and grading activities in unincorporated King County. These regulations establish the basic requirements for when clearing or grading requires a permit and the limitations on those activities.

More specifically, the amendments establish a minimum percentage (65%) of area on rural residential lots that must remain forested or be set aside when a proposed project proposes a change of land use. The intent of this requirement is to retain and increase existing forestland over time to minimize the stormwater impacts of rural development on stream hydrology and to protect existing wildlife uses.

The 65-percent set aside of forestland is based on scientific studies of Puget Sound lowland streams which indicate that natural stream channels transition from a condition of some degradation to one of severe degradation when more than a third of the stream basin has been cleared. This transition is primarily due to the significant increases in stormwater runoff quantities brought about by the conversion of forestland to homes, lawns, and pastures. While stormwater facilities such as detention ponds can control some of the increased runoff, they are limited in their ability to prevent significant adverse changes in stream hydrology, which can cause biological impacts to fish and fish habitat. In rural areas, where lot sizes are large and stream channels are still relatively undisturbed compared to urban areas, the retention of forestland is the most effective and reliable way to protect stream hydrology and biological functions.

### ***Current requirements***

**Grading.** Standards for grading include requirements on the type of fill, how the ground should be prepared and drainage.

**Clearing.** Except for a few specific areas, most new clearing outside of critical areas is exempt from permit requirements and is not subject to King County regulations, other than the requirement for erosion and sediment control.

The areas subject to clearing restrictions are: the Bear Creek, Issaquah Creek, Soos Creek, and May Creek basins; and the East Sammamish and Bear Creek Community Planning Areas. In these areas, clearing is generally limited to 35% of the lot or the amount legally cleared if more than 35% lot was cleared when the limitations went into effect. In most of the areas, if appropriate stormwater controls are put in place, clearing up to 60% is allowed. In the Soos Creek basin, up 80 percent of a lot may be cleared and the clearing limitations do not apply to building permits for single family residences on individual lots.

Even within critical areas, several types of clearing are allowed and do not require a permit. These include maintenance of existing landscaping, permitted agricultural uses, emergency tree removal, and certain kinds of forest practices outside the forest production district.

In determining how much of a lot may be cleared, the following clearing is not included in calculating the amount of cleared area:

- Clearing necessary for construction of access, utilities, and septic systems for lots 1 ¼ acres or smaller; and
- Clearing for relocation of equestrian community trails

**Seasonal restrictions.** In the Bear Creek, Northshore, and East Sammamish Community Planning Areas and the Soos Creek, Hylebos Creek, and May Creek basins, clearing is allowed between October 1 and March 31 only when specifically approved by DDES and under specific conditions. This restriction does not apply to certain activities, including typical landscaping activities associated with single family residences and forest practices.

### ***Proposed ordinance***

**Grading.** Limitations on the type of material that may be used as fill are proposed. Dangerous waste may not be used as fill and the use of recycled asphalt is limited. Requirements on the maintenance of the duff layer and native topsoil are added

**Clearing.** Clearing which results in the conversion of native vegetated land surface to a developed surface (e.g., impervious surface, pasture, or grassed surface) is limited to a total of 35% of rural residential lots. The remaining 65% of the lot is to be designated as open space in a tract or easement, or by covenant. At the time of permit application for a development proposal, the applicant is required to identify the areas that are to be maintained as open space. These areas include any critical areas and buffers. There is no requirement that the property owner plant vegetation on any areas that have already been cleared/converted.

For example, if a property owner proposes to build a single-family residence on a ten acre lot, five acres of which has previously been cleared for pasture and five acres of which is forested, the property owner would be able to develop up to 3.5 acres. The property owner would be able to choose what part of the property to develop and what part to maintain as open space, except for any limitations that apply to critical areas and buffers.

The existing exceptions to calculating the amount of cleared/converted area apply. This includes the exception for areas needed to service lots smaller than 1 ¼ acre and clearing required to relocate community equestrian trails.

The area to be designated as open space may be used for a variety of activities. These include:

- forest practices under a county-approved forest management plan,
- tree-growth enhancement such as undergrowth removal,
- passive recreation including pedestrian, equestrian, and bicycle trails,
- utilities and utility easements, and
- hazard tree removal.

The proposed ordinance would allow a property owner to clear more than 35% of a lot under certain circumstances:

- If the property owner protects specific habitats that provide important wildlife habitat, the property owner can clear one acre for every two acres of protected habitat. The maximum amount of clearing that would be allowed would be 50%.
- If the lot is 90% or more cleared and the property owner agrees to place 50% of the lot in a county-approved forest management plan, the property owner may clear the remaining 50% of the parcel.
- If the property owner reforests already cleared areas of a lot, the property owner may clear an additional acre for every two acres that are reforested, up to a maximum of 50% of the lot.

**Clearing and grading permit exemptions.** The proposed ordinance would revise the clearing and grading exemptions to require a clearing and grading permit if a property owner adds 5,000 square feet or more of impervious surface over time or clears one or more acres.

**Seasonal restrictions.** Between October 1 and April 30, the proposed ordinance would require an applicant to show what measures he or she will take to protect against silt-laden runoff entering into aquatic areas and wetlands. These requirements would apply throughout unincorporated King County.

### ***To learn more***

To learn more, access the following Web site:

<http://www.metrokc.gov/ddes/cao>